

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of :

Appl. No.10/625,149 : Confirm. No. 8274  
H. Downman McCarty, II :  
Brooke Schumm III :  
Peter Popper, Applicants : Examiner: O. Flores Sanchez  
Filed: July 23, 2003 : Group Art Unit 3724

**For: AN ANTI-SPALLING COMBINATION ON AN IMPACT TOOL  
WITH AN IMPROVED HOLDING SYSTEM**

Honorable Commissioner of Patents and Trademarks  
Mail Stop Patent Application, P.O. Box 1450  
Alexandria, VA 22313-1450

**CONTINUATION AND PRIORITY DATA**

Continuation in part of PCT/US02/23448 and entry into the national stage of  
PCT/US02/23448, continuation in part of U.S. provisional applications 60/307,198 filed  
on July 23, 2001, and 60/356,804 filed on February 13, 2002

**RESPONSE TO NOTICE OF 13 AUGUST 2008  
RE: (AMENDMENT TO  
SECOND SUPPLEMENT TO  
RESPONSE TO OFFICE COMMUNICATION  
REPLYING TO NOTICE OF NON-COMPLIANT AMENDMENT OF 07/09/2008)**

The Office is thanked for its guidance on the present preferred format. The cancelled claims 1-142 are consolidated to show them all cancelled as one group, and they are not reprinted. The “mark-up” is as previously filed with the requested change and the same format change for the claims near the end. The Office has advised that it is charging with my consent a multiple dependent claim fee of \$185 to my deposit account. The claims shown in clean format have been requested to be deleted by a phone call from the Office.

As before, and as stated in the prior filed Second Supplement, the Response to Office of Communication of July 5, 2007 filed on or about November 19, 2007 in this application is adopted by reference.

The response of February 7, 2008 is adopted herein except that the amendments are presented as requested.

The Office is thanked for its courtesy.

**Summary of Amendments to the Claims**

As stated in prior responses, Claims 1-122 are withdrawn. Applicant has retained the right to present the method claims set out in claims 118-122 in a divisional application, and preserves the right to present the unelected claims. New claims numbered 123-142 were presented in the prior office action, and those Claims 123-142 are withdrawn, though the right to present other species in a divisional application is reserved. Claims 143-175 were presented as new claims in Applicants' preceding response to an office action.

Claims 164-175 are withdrawn.

Respectfully,

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/s/ /Brooke Schumm III /\_\_\_\_\_  
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I certify I caused the above to be filed electronically in the USPTO this 15<sup>th</sup> day of August, 2008.

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/Brooke Schumm III/\_\_\_\_\_/s/ Brooke Schumm III